

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7828

BILL NUMBER: HB 1795

NOTE PREPARED: Jan 15, 2007

BILL AMENDED:

SUBJECT: Legislative Intent.

FIRST AUTHOR: Rep. Smith M

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: The bill requires a bill or joint resolution to include a synopsis and a statement of the General Assembly's intent for enactment of the bill.

The bill also requires an enrolled act or an enrolled joint resolution to include a synopsis of the enrolled act or enrolled joint resolution as passed by the General Assembly and a statement of the General Assembly's intent for enacting the enrolled act or adopting the enrolled joint resolution.

Effective Date: July 1, 2007.

Explanation of State Expenditures: The bill could increase costs for Office of Bill Drafting and Research (OBDAR) and the Office of Code Revision (OCR) within the Legislative Services Agency (LSA) to draft language for the statement of the General Assembly's intent on bills and joint resolutions. (OBDAR currently prepares a synopsis of the bill .) The increased costs are dependent on how these requirements are implemented under the direction of the Legislative Council. The ability to provide additional drafting within the existing resources depends on the number of documents prepared for each legislative session.

Background: LSA is established in statute to perform such bill drafting; research; code revision; fiscal, budgetary, and management analysis; information; administrative; and other services as are requested by the Legislative Council. OBDAR currently employs 24 staff attorneys who draft legislation and resolutions at the request of any member of the House of Representatives or Senate. A bill draft includes a synopsis which does not become part of the state statute and the amendments to or new sections of code that will be enacted if the measure passes. OBDAR attorneys incorporate language amending bills and joint resolutions as they move through the legislative process. Currently, legislative intent may be incorporated in certain proposed

legislation, but it is not required.

Several other states where legislative intent is included in legislation were contacted. There are several ways that legislative intent may be expressed ranging from very formal findings (whereas and therefore language) to informal statements of intended purpose. In some cases, the intent is included in the codified statute, but in most cases it is put in a noncode section of the legislative record. Most of the states contacted that allow legislative intent also discourage using intent language because it may lack clarity, conflict with or influence court decisions, or express a purpose that the bill does not direct. No one contacted could quantify the additional costs for legislative intent language other than additional time required for drafting the additional statements.

The Legislative Council and Legislative Services Agency received an appropriation of \$10.7 M in FY 2007 from the state General Fund. On November 7, 2006, LSA had 6 vacant positions with a combined payroll of \$62,250. In 2005, there were 1,518 bills introduced, and in 2006, there were 838 bills introduced.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Legislative Services Agency; Legislative Council.

Local Agencies Affected:

Information Sources: Kay Wornack, NCSL (303) 364.7700; Kyle Thiessen, Thiessen.Kyle@leg.wa.gov; Charley Pike, Colorado Office of Legislative Legal Services, 303-866-2045; Kate Wade, Wisconsin Legislative Audit Bureau, 608-259-9808; Connecticut Legislative Commissioner's Office, 860-240-8410; Nebraska Legislative Fiscal Office, 402-471-2263; Alice Boler Ackerman, "Drafting Legislative Intent Statements" in *The Legislative Lawyer*, NCSL.

Fiscal Analyst: Karen Firestone, 317-234-2106.